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MAY 23 2006

OFFICE OF PETITIONS

In re Application of
Banerjee, et al.
Application No. 10/032,657
Filed: December 28, 2001
Attorney Docket No. 42970-7CI1

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ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed March 23, 2006.

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extension of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181(a)." This is **not** a final agency action within the meaning of 5 U.S.C § 704.

The subject application was filed on December 28, 2001. On January 29, 2002, the Office of Initial Patent Examination issued a Notice to File Missing Parts of Nonprovisional Application allowing an extendable period for reply of two-month from its mailing date. The notice required an executed oath or declaration and surcharge, and substitute drawings. On May 6, 2002, applicant filed a response to the notice that included only a declaration and surcharge, but no substitute drawings. Applicant also obtained an extension of time within the second month.

There is no indication from a review of the application file and the evidence provided with the petition that substitute drawings were timely filed or that the requirement for the substitute drawings was withdrawn. Absent *prima facie* evidence that the substitute drawings were timely filed, the application was properly held abandoned for failure to provide a complete and timely reply to the Notice to File Missing Parts of Nonprovisional Application. The petition to withdraw the holding of abandonment is dismissed, accordingly.

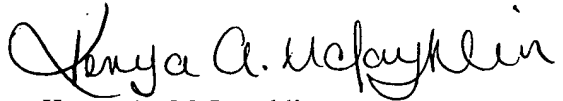
Petitioner may file a petition under 37 CFR 1.137(b) to revive the application which must include the petition fee of \$1500.00 for a large entity or \$750.00 for a small entity and substitute drawings in response to the notice of January 29, 2002.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 United States Patent and Trademark Office
 Box 1450
 Alexandria, VA 22313-1450

By facsimile: (571) 273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3222.

A handwritten signature in black ink, reading "Kenya A. McLaughlin". The signature is written in a cursive, flowing style.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions